

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99, D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 43 of Title 17 (Business, Occupations & Professions) (May 1990) of the District of Columbia Municipal Regulations (DCMR). The purpose of the proposed rules is to update the dental hygiene regulations so that they reflect current advances and progress made in the field. A Notice of Proposed Rulemaking was published in the D.C. Register on August 22, 2003 at 50 DCR 7009. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication of this notice in the D.C. Register.

Chapter 43 (Dental Hygiene) of Title 17 DCMR (Business, Occupations & Profession) (May 1990) is amended as follows:

Section 4310 is amended to read as follows:

4310 FUNCTIONS OF DENTAL HYGIENISTS

4310.1 In accordance with § 102(4) of the Act, D.C. Official Code § 3-1201.02(4), a dental hygienist may perform the following functions under the general supervision of a licensed dentist, in his or her office or any public school or institution rendering dental services:

- (a) A preliminary dental examination; a complete prophylaxis, including the removal of any deposits, diseased crevicular tissue, accretion, or stain from the surface of a tooth or a restoration; the polishing of a tooth or a restoration;
- (b) The charting of cavities during preliminary examination, prophylaxis, or polishing;
- (c) The application of a medicinal agent to a tooth for a prophylactic purpose and the application of therapeutic agents;
- (d) The taking of a dental X-ray;
- (e) The instruction of individuals or groups of individuals in oral health care;
- (f) The application of pit and fissure sealants; and

- (g) The performing of a screening to identify indications of oral abnormalities.

4310.2

In addition to the functions listed in § 4310.1, a dental hygienist may perform the following functions under the direct supervision of a licensed dentist, as authorized by § 102(4)(A)(vi) of the Act, D.C. Official Code § 3-1201.02(4)(A)(vi):

- (a) Assisting in the administration of nitrous oxide;
- (b) Monitoring the administration of nitrous oxide;
- (c) Placement of periodontal dressings;
- (d) Placement of temporary restorations;
- (e) Removal of temporary restorations;
- (f) Removal of periodontal dressings;
- (g) Removal of sutures;
- (h) Taking of study cast impressions; and
- (i) Placement and removal of rubber dams.

NOTICE OF FINAL RULEMAKING

This action is necessary to safeguard the health, safety, and welfare of individuals with mental retardation and other developmental disabilities in agencies licensed, certified, or approved by the District government as a child care facility, private school, day program, community based residence, or other agency providing residential services, education, habilitation, vocational, or employment training services. Because of the shortage of nurses available to provide medications to the residents of these facilities, it is necessary to provide training to individuals who will then provide medications in a timely manner.

Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

6100.1 (c) The certification of medication administration trainers and master trainers;
and

6101.1 The supervisory registered nurse for each program shall obtain and maintain on file, at the program's facility, and at the facility where the program participant most often receives medications, instructions written by the licensed practitioner responsible for prescribing medication for the program participant. A program shall ensure that a copy of a participant's medication instructions is provided to the participant's residential facility. The instructions shall state the following:

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- (b) The name and strength of the medication;
- (c) The name and telephone number of the licensed practitioner prescribing the medication;
- (d) The time of administration, dosage, method of administration, and duration of medication;
- (e) Compatibility with other prescribed and non-prescription medications;
- (f) Known program participant allergies;
- (g) Medication usage warnings;
- (h) Side effects; and
- (i) Other potential adverse reactions.

Section 6101.3 is amended to read as follows:

- 6101.3 The information contained in the written instructions shall at all times be the current instructions of the licensed practitioner.

Section 6104.2 is amended to read as follows:

- 6104.2 The medications shall be stored according to the package insert in either a cabinet or a medication refrigerator at a temperature between thirty-six (36) and forty-six (46) degrees Fahrenheit that offers sufficient store space and lighting. The cabinet or refrigerator shall be locked when not in use.

Section 6104.5 is amended to read as follows:

- 6104.5 Non-oral medications such as lotions and ointments shall be stored separately from those medications taken orally.

Section 6105.1 is amended to read as follows:

- 6105.1 The licensed nurse or trained medication employee shall document in the Medication Administration Record ("MAR") medications that have been administered to the program participant and whether the medications ordered have been taken as ordered.

Section 6105.4 is amended to read as follows:

- 6105.4 The following information shall be recorded in the MAR for all medications ordered for the program participant:
- (a) The name, strength, and frequency of the medication;
 - (b) The prescribed dosage of medication;
 - (c) The route of medication administration;
 - (d) The date the medication is prescribed by the licensed practitioner;
 - (e) The date and time the medication is to begin;
 - (f) The date the medication is to be continued if specified by the licensed practitioner;
 - (g) Indications for the medication; and
 - (h) Any known allergies.

Section 6105.5 is amended to read as follows:

- 6105.5 All information shall be recorded on the MAR in permanent blue or black ink. All errors shall be appropriately corrected and there shall be no erasures or whiteouts.

Section 6105.8 is amended to read as follows:

- 6105.8 All medication errors and omissions, and any related actions that have been taken, shall be recorded on the MAR by the trained medication employee and reported to the licensed nurse.

Section 6105.10 is amended to read as follows:

- 6105.10 The MAR shall be reviewed and signed by a registered nurse at least once each month.

Section 6105.11 is amended to read as follows:

- 6105.11 When a new medication is ordered for a program participant the licensed nurse shall be notified before the administration of the medication and a photocopy of the prescription shall be placed in the MAR.

Section 6106.1 is amended to read as follows:

- 6106.1 Upon successful completion of a Trained Medication Employee Course approved by the Board, a trained medication employee applicant shall submit:
- (a) Documentation signed by the Medication Administration Trainer verifying satisfactory completion of the Trained Medication Employee Course;
 - (b) Proof of a least one (1) year of clinical experience in a program or a health care facility;
 - (c) Proof of satisfactory current completion of cardio-pulmonary (CPR) training and a First Aid program; and
 - (d) A completed application and required fee.

Section 6106.2 is amended to read as follows:

- 6106.2 An applicant may request a waiver from participation in the Medication Administration Course if the applicant has successfully completed a substantially equivalent course in another jurisdiction. Program employees that have successfully completed a Medication Administration Course approved by the State of Maryland or the Commonwealth of Virginia need not participate in the Medication Administration Course.

Section 6106.3 is amended to read as follows:

- 6106.3 An applicant requesting a waiver from participation in the Medication Administration Course shall submit to the Board:
- (a) Proof of current certification in the administration of medication in Maryland or Virginia or any other jurisdiction approved by the Board;
 - (b) Proof of at least one (1) year of clinical experience in a program or a health care facility;
 - (c) Proof of satisfactory current completion of a cardio-pulmonary (CPR) training and First Aid program; and
 - (d) A completed application and required fee.

Section 6106.4 is amended to read as follows:

- 6106.4 The Board shall issue to qualified applicants a certification as a trained medication employee authorized to administer medication to program participants in a

program licensed, certified or approved by the District of Columbia government as defined in D.C. Official Code § 21-1201(10).

Section 6106.5 is amended to read as follows:

6106.5 The Board shall maintain a registry of certified trained medication employees.

Section 6106.6 is amended to read as follows:

6106.6 If, after certification, the supervisory registered nurse or licensed practitioner observes serious or multiple deficiencies or errors, he or she shall report the deficiencies to the Board in writing.

Section 6106.7 is amended to read as follows:

6106.7 If a licensed nurse or licensed practitioner observe serious or multiple deficiencies or errors that have jeopardized the health or welfare of any program participant which include, but are not limited to, errors involving medication administration, dosage documentation and storage of medications, the licensed nurse or licensed practitioner shall report the deficiencies to the Board and the employing program shall prohibit the trained medication employee from administering medication until the Board has taken action on the notice of deficiency.

Sections 6106.8, 6106.9, 6106.10, 6106.14, 6106.15, 6106.16, 6106.17, 6106.18 and 6106.19 are repealed.

Section 6107.1 is amended to read as follows:

6107.1 Recertification of a trained medication employee shall be required every two (2) years, and shall include verification of a Board-approved twelve (12) hours of in-service training in pharmacology or medication administration and the supervisory registered nurse's verification of the trained medication employee's continued adequacy of performance.

Section 6107.2 is amended to read as follows:

6107.2 Recertification applications shall be submitted to the Board before the expiration of the current certification and shall:

- (a) Be signed by the trained medication employee;
- (b) Include the supervisory registered nurse's written verification of the trained medication employee's continued adequacy of performance;
- (c) Include documentation verifying successful completion of twelve (12)

hours of board approved in-service training; and

- (d) Be accompanied by the required registration fee.

Section 6108.1 is amended to read as follows:

6108.1 Before administering medication to a program participant, all trained medication employees shall:

- (a) Observe a supervisory registered nurse administering medication to a program participant on at least two (2) occasions;
- (b) Be observed by a supervisory registered nurse on at least four (4) separate occasions while engaged in the process of administration, documentation, and monitoring side effects at one hundred percent (100%) proficiency;
- (c) Demonstrate his or her proficiency and knowledge of all medication procedures for the storage of medications, and all program policies pertaining to the administration of medication; and
- (d) Demonstrate knowledge of medications to be administered by reviewing the following with the supervisory nurse:
 - (1) Compatibility with other prescribed and non-prescribed medications;
 - (2) Known patient allergies;
 - (3) Usage warnings;
 - (4) Side effects;
 - (5) Indications for usage; and
 - (6) Other potential adverse reactions.

Section 6108.2 is amended to read as follows:

6108.2 A registered nurse shall review the completed MAR monthly for proper and accurate documentation, including vital signs.

Section 6108.3 is amended to read as follows:

6108.3 A registered nurse shall observe, review and evaluate in writing the ability of the trained medication employee to properly administer, document and store

medication for a program participant every three (3) months for the first year of certification and every six (6) months thereafter.

Section 6108.4 is amended to read as follows:

6108.4 The supervisory registered nurse shall be available to the trained medication employee for general or direct supervision.

Section 6108.5 is repealed.

Section 6108.6 is amended to read as follows:

6108.6 The supervisory registered nurse shall, on a monthly basis, review the licensed practitioner's orders, MAR, and medication intervals for all program participants.

Section 6108.7 is amended to read as follows:

6108.7 The supervisory registered nurse shall review with the trained medication employee any errors in documentation that are noted. Serious or multiple errors or omissions shall be reported to the Board of Nursing.

Section 6108.8 is amended to read as follows:

6108.8 Only a licensed nurse shall accept a telephone medication order from a licensed practitioner for a new prescription or change in dosage or frequency.

Section 6108.9 is amended to read as follows:

6108.9 The licensed nurse receiving the verbal order pursuant to § 6108.7 or receiving an order directly from a licensed practitioner, shall order medication from the pharmacy and enter that specific medication, as ordered, on the program participant's medication administration record.

Section 6108.10 is amended to read as follows:

6108.10 If the trained medication employee observes a change in the program participant's condition after administration of medication, the trained medication employee shall notify the registered nurse immediately.

Sections 6108.11 and 6108.12 are repealed.

The section heading for 6109 is amended to read as follows:

6109 TRAINING PROGRAMS AND TRAINER

Section 6109.1 is amended to read as follows:

6109.1 A Medication Administration Course to train program employees as trained medication employees shall consist of a program that is:

Approved by the Board for the instruction of applicants seeking certification as a trained medication employee; or

(a) Approved by the Board for instruction of applicants seeking certification as a trained medication employee; or

(b) Taught by a Medication Administration Trainer approved by the Board.

Section 6109.2 is amended to read as follows:

6109.2 A Medication Administration Course for Medication Administration Trainers shall be:

(a) Approved by the Board for the instruction of applicants seeking certification as Medication Administration Trainers; or

(b) Taught by a Master Medication Administration Trainer approved by the Board.

Section 6109.3 is amended to read as follows:

6109.3 A person seeking approval from the Board of Nursing as a Medication Administration Trainer shall:

(a) Be licensed in the District of Columbia as a registered nurse; and

(b) Be certified as a Medication Administration Trainer in another jurisdiction approved by the Board; or

(c) Have successfully completed a Medication Administration Trainer Program approved by the Board.

Section 6109.4 is amended to read as follows:

- 6109.4 A person seeking approval from the Board of Nursing as a Master Medication Administration Trainer shall:
- (a) Meet the criteria pursuant to § 6109.3; and
 - (b) Have two (2) years experience teaching a Medication Administration Course for Trained Medication Employees or other Board-approved medication administration course.

Section 6109.5 is amended to read as follows:

- 6109.5 The Board shall maintain a list of approved Medication Administration Trainers and Master Medication Administration Trainers.

Section 6109.6 is repealed.**The section heading for 6110 is amended to read as follows:****6110 PROGRAM RESPONSIBILITIES****Section 6110 is amended by adding a new subsection numbered 6110.4 to read as follows:**

- 6110.4 Every program shall, before hiring a person certified as a trained medication employee, verify with the Board of Nursing that the certification is current and the trained medication employee has not had disciplinary action taken against him or her.

Section 6110.5 is stricken.**Section 6111.1 is amended to read as follows:**

- 6111.1 An anaphylaxis emergency treatment kit, epipen, AnaKit or equivalent injection system of epinephrine may be administered by a trained medication employee as prescribed by a licensed practitioner pursuant to the program's protocol or procedures.

Section 6112.1 is amended to read as follows:

- 6112.1 Each program shall develop guidelines to assess whether a program participant:
- (a) Has the ability to self-administer his or her medications;
 - (b) Requires the prescribed medication to be administered by a trained

medication employee; or

- (c) Requires the prescribed medication to be administered by a licensed practical or registered nurse.

Subsection 6199.1 is amended as follows:

a) The following terms with the ascribed meanings are added as follows:

Direct supervision - supervision in which the supervising nurse is available to the trained medication employee on the premises and within vocal communication either directly or by a communication device.

General supervision - supervision in which the supervising nurse is available to the trained medication employee for consultation either in person or by a communication device, but need not be physically present on the premises at the time the actions are performed.

Medication – a controlled (excluding Classes I and II) or non-controlled substance or treatment regarded as effective in bringing about recovery, restoration of health, alleviation of pain or symptoms of an illness, or the normal functioning of the body.

b) The definition for trained medication employee is amended to read as follows:

Trained medication employee - an individual employed to work in a program who has successfully completed a training program approved by the Board and is certified to administer medication to program participants.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth under § 302(14) of the D.C. Health Occupations Revision Act of 1985, effective March 15, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1203.02(14)), and Mayor's Order 98-140, dated August 20, 1998, hereby gives notice of the adoption of the following amendments to Chapter 70 of Title 17 of the District of Columbia Municipal Regulations (DCMR). The purpose of the proposed rules is to clarify the application process by eliminating the ability of an applicant to become licensed by waiving the national examination. A Notice of Proposed Rulemaking was published in the D.C. Register on August 22, 2003 at 50 DCR 7011. No comments were received concerning these rules and no changes have been made since publication as a Notice of Proposed Rulemaking. These final rules will be effective upon publication in the D.C. Register.

Chapter 70 (Social Work) of Title 17 DCMR (Business, Occupations & Professions) (May 1990) is amended as follows:

Section 7012 is repealed.

DEPARTMENT OF HEALTH

NOTICE OF FINAL RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02), Reorganization Plan No. 4 of 1996, and Mayor's Order 97-42, dated February 18, 1997, hereby gives notice of the adoption of an amendment to section 995 of Chapter 9 of Title 29 of the District of Columbia Municipal Regulations (DCMR), governing reimbursement rates for transportation services.

These rules amend reimbursement rates for the District of Columbia Medicaid Program for transportation of ambulatory single individuals and groups, non-emergency stretcher shuttle services and van transportation of single individuals in wheelchairs. In 1997, the Medicaid Program reduced the rates paid for transportation services. These rules will increase the rates set forth in the rate schedule published on September 26, 1997 by ten percent (10%). The Medicaid Program projects an increase in local and federal expenditures of approximately \$327,000 in fiscal year 2003 as a result of the rate increase.

A notice of emergency and proposed rules were published on July 4, 2003 (50 DCR 5351). Comments on the proposed rules were received. No substantive changes have been made. The preamble in the July 4th rules incorrectly stated that the Medicaid Program reduced the rates in 1997 by ten percent (10%) and that the revised rates would restore the rates to the levels paid prior to the 1997 rate reduction. The rates set forth in these rules represent a ten percent (10%) increase over the rates published on September 26, 1997.

Amend section 995 (Reimbursement Rates for Transportation Services) of Chapter 9, Title 29 DCMR to read as follows:

995 REIMBURSEMENT RATES FOR TRANSPORTATION SERVICES

995.1 The reimbursement rates for transportation services rendered for ambulatory single individuals on or after July 5, 2003 are as follows:

SERVICE DESCRIPTION	RATE
Van, one way inside the Capitol Beltway	\$16.50
Van, round-trip inside the Capitol Beltway	\$27.50

Van, one way inside Capitol Beltway with extra assistant	\$22.00
Van, round-trip inside Capitol Beltway with extra assistant	\$33.00
Van, one-way outside Capitol Beltway	\$27.50 + .75 per loaded mile
Van, round-trip outside Capitol Beltway	\$44.00 + .75 per loaded mile
Van, one-way outside Capitol Beltway with extra assistant	\$33.00 + .75 per loaded mile
Van, round-trip outside Capitol Beltway with extra assistant	\$49.50 + .75 per loaded mile
Trip cancellation if cancelled upon arrival	\$8.25

995.2

The reimbursement rates for transportation services of a group of ambulatory persons rendered on or after July 5, 2003 are as follows

SERVICE DESCRIPTION	RATE
Van, one way inside the Capitol Beltway	\$38.50
Van, round-trip inside the Capitol Beltway	\$71.50
Van, one way inside Capitol Beltway with extra assistant	\$41.25
Van, round-trip inside Capitol Beltway with extra assistant	\$77.00
Van, one-way outside Capitol Beltway	\$49.50 + .75 per loaded mile

Van, round-trip outside Capitol Beltway	\$82.50 + .75 per loaded mile
Van, one-way outside Capitol Beltway with extra assistant	\$52.25 + .75 per loaded mile
Van, round-trip outside Capitol Beltway with extra assistant	\$88.00 + .75 per loaded mile
Trip cancellation if cancelled upon arrival	\$8.25

995.3 The reimbursement rates for non-emergency stretcher shuttle services rendered on or after July 5, 2003 are as follows:

SERVICE DESCRIPTION	RATE
Shuttle, one way inside the Capitol Beltway	\$46.20
Shuttle, round-trip inside the Capitol Beltway	\$89.10
Shuttle, one way inside Capitol Beltway with extra assistant	\$69.30
Shuttle, round-trip inside Capitol Beltway with extra assistant	\$134.20
Shuttle one-way outside Capitol Beltway	\$46.20 + 1.50 per loaded mile
Shuttle, round-trip outside Capitol Beltway	\$89.10 + 1.50 per loaded mile
Shuttle, one-way outside Capitol Beltway with extra assistant	\$70.95 + 1.50 per loaded mile

Shuttle, round-trip outside Capitol Beltway with extra assistant	\$134.20 + .150 per loaded mile
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Trip cancellation if cancelled upon arrival	\$11.00
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995.4 The reimbursement rate for van transportation for single individuals in wheelchairs rendered on or after July 5, 2003 are as follows:

SERVICE DESCRIPTION	RATE
Wheelchair van, one way inside the Capitol Beltway	\$24.75
Wheelchair van, round-trip inside the Capitol Beltway	\$35.75
Wheelchair van, one way inside Capitol Beltway with extra assistant	\$30.25
Wheelchair van, round-trip inside Capitol Beltway with extra assistant	\$41.25
Wheelchair van one-way outside Capitol Beltway	\$33.00 + .75 per loaded mile
Wheelchair van, round-trip outside Capitol Beltway	\$49.50 + .75 per loaded mile
Wheelchair van, one-way outside Capitol Beltway with extra assistant	\$38.50 + .75 per loaded mile
Wheelchair van, round-trip outside Capitol Beltway with extra assistant	\$55.00 + .75 per loaded mile
Trip cancellation if cancelled upon arrival	\$8.25

DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

NOTICE OF FINAL RULEMAKING

DOCKET NUMBER 03-36-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). No comments have been received and no changes have been made to the text of the proposal as published on July 4, 2003 at 50 DCR 5334. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Section 4004, ONE-WAY STREETS, Subsection 4004.1, (a) Northwest Section and (b) Northeast Section, is amended by adding the following to the list of locations where traffic is restricted to one direction of travel:

“On Sheridan Street, N.W., between North Capitol Street and Chillum Street, for westbound traffic only”;

“On Sheridan Street, N.E, between North Capitol Street and Kansas Avenue, for eastbound traffic only”.

Title 18 DCMR, Section 4008, STOP SIGNS, Subsection 4008.1, (a) Northwest Section and (b) Northeast Section, be amended by deleting the following from the list of locations where STOP signs are placed:

“On Sheridan Street, N.E. and N.W. and North Capitol Street, so as to stop at both streets”;

and by substituting the following:

“On North Capitol Street, so as to stop at Sheridan Street”.